

COUNTY OF YORK

MEMORANDUM

DATE: February 2, 2005 (BOS Mtg. 2/15/05)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-655-05, FF Acquisition, L.L.C.

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162). The proposed gas pumps would be ancillary to the existing Farm Fresh grocery store. The property, further identified as Assessor's Parcel No. 10-5-2, is zoned GB (General Business) and is designated for General Business development in the Comprehensive Plan.

DESCRIPTION

- Property Owner: Commonwealth Associates York County
- Location: 455A Merrimac Trail (Route 143)
- Area: Approximately 0.25-acre portion of a 7.34-acre parcel.
- Frontage: The parcel has approximately 640 feet of frontage along Merrimac Trail.
- Utilities: Public water and sewer
- Topography: Relatively flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
- Existing Development: Farm Fresh Shopping Center
- Surrounding Development:

North: None

East: Vacant parcel; Queenswood subdivision beyond

South: Family Dollar shopping center

West: D.A.V. Thrift Store, Advance Auto Parts store, and Hardee's restaurant (across Merrimac Trail)

- Proposed Development: Automobile fuel dispensing facility with four pumps and eight fueling stations.

CONSIDERATIONS/CONCLUSIONS

1. Since 1981 Farm Fresh has operated a grocery store in a shopping center on Merrimac Trail (Route 143). The store is currently under renovation that entails the construction of a brick exterior as well as converting the existing open canopy area in front of the store into enclosed store space. Including the area that is currently under renovation, Farm Fresh occupies approximately 67,000 square feet of the 85,000 square foot shopping center. Other businesses in the shopping center include a pizza delivery shop, a hair salon, a nail salon, a tax preparation service, an exercise studio, a self-serve laundry, a video rental store, a carpet store, and a check cashing business.
2. In March 2004 the Board adopted a series of Zoning Ordinance amendments pertaining to gas stations, car washes, and car dealerships. These amendments grew out of a concern raised by the Route 17 Revitalization Committee about the adverse effect of abandoned gas stations on the aesthetic quality of the County's major corridors, particularly Route 17, and a belief that some GB-zoned areas simply are not suitable for auto-related uses under any conditions. In addition to requiring a Special Use Permit for gas stations in the GB zoning district, the Board amended the performance standards to require the removal of gas pumps, pump islands, canopies, and underground tanks associated with gas stations and car washes that have been out of business for nine (9) consecutive months.
3. Merrimac Trail is a primarily commercial corridor with most of the abutting land, including the subject parcel, designated in the Comprehensive Plan for General Business development in recognition of existing development. Accordingly, the property is zoned GB (General Business). The nearest residential structures are single-family detached homes in the Queenswood subdivision approximately 200-270 feet behind the shopping center and a townhouse development approximately 630 feet to the north in the City of Williamsburg.
4. In conjunction with the ongoing upgrades to the site, Farm Fresh proposes to construct a four-pump automobile fuel dispensing facility (8 fueling stations) ancillary to the grocery store. This appears to be a growing trend in the retail industry, as evidenced by the gas facilities at various Wal-Mart stores (including the Tabb store), and Sam's Club stores as well as three local Farm Fresh stores in Hampton, Norfolk, and Chesapeake. Under the "Fuel Express at Farm Fresh" program, Farm Fresh customers receive a discounted gas price (up to 15 gallons) for purchasing various designated items in the store. After making their purchase, customers can go to the gas pumps, scan their ticket, and receive the discounted price. An employee would be stationed at the gas facility while it is in operation (6:00

AM until 9:00 PM daily) to assist customers as necessary but not to accept payments or make change. Rather, all purchases would be handled electronically either by credit card at the pump or by inserting bills into a “cash acceptor” that issues change in the form of a credit voucher that can be used on future purchases. Although oriented specifically to Farm Fresh customers, the gas facility would be open to others as well; however, they would not receive the discounted price.

5. As shown on the applicant’s conceptual plan, the gas facility would be located in the under-utilized southern area of the existing parking lot. The parking lot has two driveways on Merrimac Trail, the northern one of which will be redesigned as a “right turn in/right turn out only” entrance/exit. The applicant’s reason for this redesign is to avoid having to construct a left turn lane along Merrimac Trail in this location, where there is currently not enough storage capacity to accommodate the number of left turns. Traffic turning into the shopping center from eastbound Merrimac Trail will have to use the southern entrance, which has a left turn lane. Another proposed modification to the parking lot is the construction of a drive aisle running between the two existing driveways, which will, in my opinion, improve the somewhat circuitous traffic circulation on the site. This change, plus the installation of additional traffic islands and the construction of the gas facility itself, would result in the elimination of approximately 44 existing parking spaces, leaving the shopping center with 352 parking spaces, fourteen (14) more than the Zoning Ordinance requires.
6. The applicant has submitted a traffic impact analysis of the proposed gas pump facility. According to the traffic study, the gas facility is estimated to generate approximately 96 trips (48 in and 48 out) in the AM peak hour and 110 trips (55 in and 55 out) in the PM peak hour. It should be noted that these estimates are based on the average trip rates published in the Institute of Transportation Engineers’ (ITE) *Trip Generation* manual (7th Edition) for gas stations that do not have convenience stores but that may have accessory facilities for motor vehicle service and repair. Since the proposed gas pumps would have no ancillary facilities whatsoever, I feel the actual traffic impact will be below the average for a standard stand-alone gas station. Furthermore, it is likely that a significant proportion of the gas pump users will be Farm Fresh customers taking advantage of the gas discounts available specifically to them. Even with these conservative assumptions that tend to overstate the traffic impact, the traffic study indicates that the proposed gas facility would not have a significant impact on peak-hour delays at the southern entrance while delays at the northern entrance would *decrease* as a result of its reconfiguration. The impact on the Level of Service (LOS) on Merrimac Trail also would not be significant, in my opinion. According to the Hampton Roads Planning District Commission’s traffic model for the region, this segment of Merrimac Trail currently operates at an acceptable Level of Service (LOS C) in both the AM and PM peak hours and is projected to continue to do so for at least another 20 years.¹

¹ Hampton Roads Planning District Commission, *Hampton Roads 2026 Regional Transportation Plan: Technical Document, Appendices*, (June 2004), p. 95.

7. Most of the parcel is located within a Chesapeake Bay Resource Management Area (RMA); therefore, any additional development will be subject to the provisions of the Environmental Management Area (EMA) overlay district. Ordinarily the stormwater management requirement in Chesapeake Bay Preservation Areas is that the post-development non-point source pollution runoff load may not exceed the pre-development load; however, because the proposed gas pump facility involves redevelopment of a developed site, the site will need to be engineered such that the existing non-point source pollutant load will be *reduced* by at least 10%. In fact, the installation of additional landscape islands will more than offset the landscaping that would be lost during the redevelopment process so that there will actually be a net *decrease* in impervious surface.
8. According to the rendering submitted by the applicant, the gas pump facility would have brick columns with a green roof, matching the appearance of the Farm Fresh store (once the renovation is complete). There would also be a small (10' by 12') brick building with matching green roof for the on-site employee. As shown on the concept plan, additional shade trees planted in the landscape islands would partially screen views of the facility from Merrimac Trail and enhance the overall appearance of the parking lot. The gas pump facility would not be permitted to have its own freestanding sign, and none has been requested. Also, pursuant to Section 24.1-475(d) of the Zoning Ordinance, no signage would be permitted on the canopy. (The applicant has indicated that, unrelated to this application, the existing pole sign for Farm Fresh will be replaced with a more attractive monument sign as part of the overall renovation of the store.)

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its January 12 meeting and, subsequent to conducting a public hearing at which only the applicant's representative spoke, voted 6:0 (Mr. Harvell absent) to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

I believe the proposed gas pump facility is an appropriate use in this location. By utilizing existing entrances only, the proposed facility is consistent with the access management goals of the Comprehensive Plan and the Zoning Ordinance, and Merrimac Trail has sufficient surplus capacity to accommodate the increased traffic with no discernible deterioration in Level of Service. In the event that the fueling operation is discontinued, the recent Zoning Ordinance amendments requiring the removal of gas pumps, pump islands, canopies, and tanks will ensure that the gas facility will not become an eyesore as other abandoned gas stations have. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions set forth in proposed Resolution R05-21.

Attachments

- Excerpts of Planning Commission minutes, January 12, 2005
- Zoning Map
- Concept Plan
- Gas pump facility renderings
- Farm Fresh building rendering
- Proposed Resolution R05-21